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Jeffrey Cordaro

June 19, 2023

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Patrick Romano, et al.

vs.

Torch Electronics, LLC, et al.

<p>1 A. Information.</p> <p>2 Q. When was the first one?</p> <p>3 A. '97.</p> <p>4 Q. That was in 1997?</p> <p>5 A. Right. And then I was giving you the -- I</p> <p>6 had to do two-day shock time in 1997. I didn't get</p> <p>7 convicted. I mean, that one wasn't -- the other one</p> <p>8 in 2002, when they gave me a six-month suspended</p> <p>9 sentence, two years' probation, and --</p> <p>10 Q. Fourteen-day shock time?</p> <p>11 A. Shock time.</p> <p>12 Q. And so, to be clear, were they both in</p> <p>13 St. Charles County?</p> <p>14 A. Yes. One was the City of St. Charles, and I</p> <p>15 think the other one was St. Charles County Sheriff.</p> <p>16 Q. Any other run-ins with the law?</p> <p>17 A. Uh. Probably got another alcohol-related</p> <p>18 offense back in like '80s. But nothing transpired out</p> <p>19 of that. I never got any record of it or anything,</p> <p>20 you know.</p> <p>21 I had to go to a weekend -- what amounts to</p> <p>22 a SATOP class now, but you stayed in a hotel.</p> <p>23 And I -- I went and looked for that. I</p> <p>24 don't have any record of that. The DWI was driving</p> <p>25 under the influence. So, I have things on the</p> <p style="text-align: right;">14</p>	<p>1 Q. Who diagnosed you first with what you</p> <p>2 consider a gambling addiction?</p> <p>3 A. I was first diagnosed with bipolar by Dr.</p> <p>4 Jose Fisher. I've had -- I've been inflicted with</p> <p>5 that for 40-plus years. I was 22.</p> <p>6 Q. When were you first diagnosed with a</p> <p>7 gambling addiction? I'm not talking about bipolar.</p> <p>8 A. I did not go to a certified rehab for that.</p> <p>9 I was seeking, you know, mental health care from a</p> <p>10 bevy of different people because I had different</p> <p>11 health plans. When I didn't have a health plan, I</p> <p>12 went to, like, free clinics, you know. Some of the</p> <p>13 people I saw might not have been psychiatrists but</p> <p>14 they were psychologists. And then they got the okay</p> <p>15 to write the prescriptions from the psychiatrist.</p> <p>16 More than one person --</p> <p>17 Q. Have you ever received --</p> <p>18 A. -- told me that I had a gambling addiction.</p> <p>19 Q. Have you ever received a prescription or</p> <p>20 some sort of formal treatment for a gambling</p> <p>21 addiction?</p> <p>22 A. Not -- not a formal treatment. I've never</p> <p>23 taken any -- any, you know, prescription drugs for any</p> <p>24 gambling.</p> <p>25 Q. How did you first become involved in this</p> <p style="text-align: right;">16</p>
<p>1 driver's side that are there.</p> <p>2 Q. Any non-driving-related criminal</p> <p>3 convictions?</p> <p>4 A. No.</p> <p>5 Q. Have you ever been diagnosed with any sort</p> <p>6 of addiction-based illnesses or mental health diseases</p> <p>7 by a medical professional?</p> <p>8 A. Yes.</p> <p>9 Q. What have you been diagnosed with?</p> <p>10 A. Let's see. Well, when I was diagnosed, they</p> <p>11 still called it manic depression. Now it's called</p> <p>12 bipolar.</p> <p>13 I have bipolar too. I always knew I was</p> <p>14 addicted to alcohol, I just didn't want to face it.</p> <p>15 That last DWI, November 19, 2002, last time I took a</p> <p>16 drink. So, I went 20-and-a-half years without one.</p> <p>17 But I have an addictive personality. Yeah,</p> <p>18 did a lot of drugs when I was younger and stuff. And</p> <p>19 I did -- I gave that up.</p> <p>20 And that woman I was talking about</p> <p>21 Ernestine, she liked to gamble. So, two Gypsies liked</p> <p>22 to go gamble. So.</p> <p>23 I have an addictive personality, and I</p> <p>24 definitely have had addictions. And I have one now.</p> <p>25 It's called gambling.</p> <p style="text-align: right;">15</p>	<p>1 class -- proposed class action lawsuit filed in</p> <p>2 Federal court?</p> <p>3 A. By happenstance. I have a friend of mine,</p> <p>4 and I was helping her clean out storage and finished.</p> <p>5 And she got a phone call. Closed up the thing. She</p> <p>6 got in the car.</p> <p>7 I got a little car. And she's talking to</p> <p>8 her lawyer about her own legalese stuff. And then,</p> <p>9 from real close, I heard the word "gambling." And</p> <p>10 then I asked. So, she goes, no, not really. But my</p> <p>11 friend is. And that was me sitting next to her. She</p> <p>12 knew that, you know. I was very honest with her that</p> <p>13 I'm a degenerate gambler.</p> <p>14 Q. Who is your friend?</p> <p>15 A. Her name is Jamie Seel, S-e-e-l. She</p> <p>16 happens to be a client of Karl Lemp, with a "K."</p> <p>17 Q. So, Mr. -- your understanding from what you</p> <p>18 observed was Mr. Lemp and Ms. Seel were having a phone</p> <p>19 conversation?</p> <p>20 A. Correct.</p> <p>21 Q. And this was in your presence?</p> <p>22 A. Correct.</p> <p>23 Q. And Mr. Lemp was asking Ms. Seel if she was</p> <p>24 involved -- she wanted to be involved in this lawsuit,</p> <p>25 and she said, no, but my friend does?</p> <p style="text-align: right;">17</p>

<p>1 A. Well, nothing about a lawsuit. That I --</p> <p>2 you know, at the beginning. She said just, you know,</p> <p>3 I -- I didn't hear exactly what he was saying. It was</p> <p>4 garbled sort of like Charlie Brown,</p> <p>5 wwwrrrrbbbbbllluuuubb, you know, when the parents talk.</p> <p>6 But then, for some reason, she pulled the</p> <p>7 phone away, and I heard the word "gambling."</p> <p>8 And then the next reaction, she goes, well,</p> <p>9 no, not really. And then she's like, well, he does,</p> <p>10 my friend does. Because I was right there.</p> <p>11 Q. So, did she hand you the phone?</p> <p>12 A. He asked her another couple of questions,</p> <p>13 and she asked me. And then he asked her, is it okay</p> <p>14 if, you know, I talk to him. And she handed me the</p> <p>15 phone, and I just started talking to him.</p> <p>16 Q. Just to be clear, you did not reach out to</p> <p>17 an attorney for what you believed was a legal problem</p> <p>18 or question. The attorney was talking to Ms. Seel and</p> <p>19 then the attorney said to Ms. Seel, can I please speak</p> <p>20 with you? Ms. Seel said that. Is that accurate?</p> <p>21 A. That's exactly right.</p> <p>22 Q. What do you want out of this lawsuit?</p> <p>23 A. To get them games out of there so that, you</p> <p>24 know, you can go into a public place that is not</p> <p>25 designed for gambling and go about your business and</p> <p>18</p>	<p>1 Where was I? Oh. I've been to 'em so</p> <p>2 often, it kind of gets to be a blur.</p> <p>3 I'm pretty sure that was over there -- not</p> <p>4 Salt Lick -- uh, Phillip 66 on West Clay.</p> <p>5 Q. When did you start using Torch devices? You</p> <p>6 said three years ago?</p> <p>7 A. Yeah. At least according to the guy.</p> <p>8 Q. I'm not asking according to the guy.</p> <p>9 A. I don't under --</p> <p>10 Q. When did you start using them?</p> <p>11 A. I started using them the first time I saw</p> <p>12 them.</p> <p>13 Q. Which was when?</p> <p>14 A. I'm trying to tell ya. Three-plus years</p> <p>15 ago. I don't think they were in there before that.</p> <p>16 And I was surprised. And the guy said, oh, they've</p> <p>17 been there, you know, a good month. So, I missed the</p> <p>18 grand opening by a month, according to them, but...</p> <p>19 Q. How frequently have you used Torch devices?</p> <p>20 A. Say that again.</p> <p>21 Q. How frequently have you used Torch devices?</p> <p>22 A. That's a tough question to answer. A lot.</p> <p>23 Q. How many times per week?</p> <p>24 A. It just depends on what week.</p> <p>25 Q. How many times per year?</p> <p>20</p>
<p>1 then, you know, pay for gas and walk by, you know, to</p> <p>2 get a soda without having to be tempted by, you know,</p> <p>3 machines that are the devil to me, and quite a few</p> <p>4 people that I've gambled with too.</p> <p>5 Q. Let's talk about that.</p> <p>6 When is the first time that you ever used a</p> <p>7 Torch device?</p> <p>8 A. You talking about those gambling machines?</p> <p>9 Q. No. I'm talking about a --</p> <p>10 A. Because I've used Torches at work since I</p> <p>11 was 15-and-a-half. So, the Torch device, you're</p> <p>12 talking about electronic --</p> <p>13 Q. I'm talking about the basis of the Federal</p> <p>14 lawsuit that you filed against two of my clients and a</p> <p>15 number of other Defendants.</p> <p>16 A. I can't tell you the exact date, but.</p> <p>17 Q. Can you approximate for me?</p> <p>18 A. Well, according to the guy that was at the</p> <p>19 slot machine, you know, a few away from me, he said</p> <p>20 they had been there for a month or so already. And so</p> <p>21 that has to be three-plus years ago. So I can't tell</p> <p>22 you the exact date. But according to that guy, they</p> <p>23 had already been there for at least a month cause --</p> <p>24 Q. Been where?</p> <p>25 A. -- I didn't stumble on 'em.</p> <p>19</p>	<p>1 A. A lot. I'd have to say I visited them well</p> <p>2 over 60 percent of the days. And it's hard not to go</p> <p>3 in there.</p> <p>4 Q. The first time that you used a Torch device,</p> <p>5 did you read any words either on the device or put out</p> <p>6 by the manufacturer about how the device operates or</p> <p>7 anything along those lines?</p> <p>8 A. No. There -- there was nothing on the</p> <p>9 machine at all.</p> <p>10 I did go, and I looked because I've been to,</p> <p>11 you know, the certified gaming machines at the</p> <p>12 casinos. Cause I was looking. They have the little</p> <p>13 decal, certified gaming commission. I looked for that</p> <p>14 just subconscious. I know how they play.</p> <p>15 Q. But to answer the question --</p> <p>16 A. I did not go in and read the rules or</p> <p>17 anything.</p> <p>18 Q. To this day, have you ever read any</p> <p>19 representation that Torch or anyone else has put out</p> <p>20 about how these devices operate? Anything along those</p> <p>21 lines?</p> <p>22 A. Well, if Torch put anything out, I've never</p> <p>23 seen it. The only thing that I've ever seen on the</p> <p>24 machine is a sticker, usually on the side, scrunched</p> <p>25 in-between another machine.</p> <p>21</p>

<p>1 But it says sports electronics. It has 2 contact number or something. I think it has maybe, 3 you know, info about the owner. I'm not sure exactly 4 that. It says -- there's nothing else on the machine, 5 and I would have to go looking for it. 6 If you're saying Torch puts something on the 7 wall or on each individual machine telling me how to 8 play it or how it was supposed to be designed, no, I 9 never saw anything of that sort. 10 Q. Is it fair to say that every time you have 11 used what you contend was a Torch device, you did not 12 rely on any representations by Torch in any sort of 13 literature, documents, sign on the machine, anything 14 along those lines when you decided to play? 15 A. I don't understand your question. 16 Q. Sure. I think you already answered it a few 17 minutes ago, but I'm just trying to unpack what you 18 were saying. 19 Is it fair to say that when you decided to 20 play Torch devices, every time you played Torch 21 devices you did so without relying on anything that 22 Torch said about these devices, correct? 23 A. Torch never said anything about the devices. 24 Q. Fair enough. So meaning, if Torch didn't 25 say anything, according to you, there's no universe in</p> <p style="text-align: right;">22</p>	<p>1 50 percent, close to 60 percent of the days you'll 2 find me in some gambling establishment. 3 And mostly these now. Because it just so -- 4 why am I gonna drive 3 miles away when I can go less 5 than 3/8ths of a mile away. Heck, I can walk there. 6 Q. Did you gamble 50 to 60 percent of the days 7 when you were working with the woman with Alzheimer's? 8 A. No. The only money that we would have, we'd 9 save. I did lots of odd jobs. She had Alzheimer's. 10 I got her to think it was a great thing that cans, 11 could collect money for 'em. A lot of times with 12 cans, I know how to scrap things out. 13 Q. Mr. Cordaro, who is Mohammed Almuttan? 14 A. Say the guy's name again. 15 Q. Mohammed Almuttan. 16 A. I think that's one of the owners of Torch 17 that we are bringing the case against. 18 Q. Did you bring the case against Mohammed 19 Almuttan because you believe he owned Torch? 20 A. Well, if he owns Torch, then that's -- I'm 21 sure that's what I went after. 22 Q. Is that why you brought the case against 23 Mohammed Almuttan because you believe he owns Torch? 24 A. Well, anybody that owns Torch is who I'm 25 trying to bring the case against. So, yes, that's why</p> <p style="text-align: right;">24</p>
<p>1 which you could have relied on what Torch said, 2 correct? We can agree on that? 3 A. Yeah. I mean, Torch never said anything 4 good, bad, or indifferent. They didn't say anything. 5 They just said come play me because I got this machine 6 in here that I worked out with the owner of this 7 establishment. And there was no instructions on how 8 to play, how not to play, where to look to find 9 instructions to play. 10 Q. How frequently do you gamble? 11 A. A lot. 12 Q. A lot's, unfortunately, not a specific 13 enough answer. How frequently do you gamble? 14 A. Well, are you talking about in an hour span? 15 In a 24-hour span? 16 Q. How many days per year? 17 A. In a week. 18 Q. How many days per year? 19 A. Be more specific. 20 Q. How many days per year do you gamble? 21 A. Oh, it depends on what year. 22 Q. Last year. How many days per year did you 23 gamble in 2022? 24 A. I think I told you that before. I can't say 25 an exact amount. But I have to tell you well over</p> <p style="text-align: right;">23</p>	<p>1 I've brought it against him, he owns Torch. 2 Q. Have you ever interacted with Mohammed 3 Almuttan? 4 A. I have no idea. He could walk in here now, 5 and I wouldn't know him. 6 Q. Have you ever engaged in any sort of 7 communication with Mr. Almuttan by text message? 8 A. No, never. 9 Q. Social media? Any communication at all? 10 A. I don't know the man. 11 Q. To the best of your knowledge, is it fair to 12 say you've never interacted with the man, Mohammed 13 Almuttan, in your entire life? 14 A. Not that I know of. You know, I mean, he 15 might be somebody that owns a store, and I never 16 talked to, but, you know, he checked me out. That 17 doesn't mean I know him. I don't know the man 18 personally. 19 Q. How did you -- how have you been injured or 20 damaged by Mohammed Almuttan, if at all? 21 A. And his Torch devices? Well, I've been 22 damaged by -- 23 Q. By Mohammed Almuttan to be precise. And if 24 you don't -- 25 A. He has damaged me personally because he is</p> <p style="text-align: right;">25</p>

<p>1 ATTORNEY MILLER: Can we just get to the 2 next question? I think he's trying to help. 3 Q (By Attorney Gelfand) Mr. Cordaro -- 4 A. Yes. 5 Q. -- are there times when you sat down, 6 interacted with a Torch device, and left with more 7 money than you started with? 8 A. Very few. 9 Q. Okay. But are there times? 10 A. Yes. Because I was interrupted by somebody, 11 and I had to get to some place for an emergency, and 12 it made me check out, and I happened to be up at the 13 time. 14 But very rarely did I ever leave anything of 15 any money. I knew to go get my gas, and my cigarettes 16 before I hit the machines cause it would be all gone. 17 It happens all the time. 18 Q. You would agree with me that every time you 19 used a Torch device you did it voluntarily, correct? 20 A. Well, it wasn't like when I voted for Trump. 21 Nobody put a gun to my head. Nobody put a gun to my 22 head to put the money in the machine and start playing 23 it. So. 24 Q. It's a "yes?" 25 A. That's a yes.</p> <p style="text-align: right;">34</p>	<p>1 of Torch players, during the time period at issue in 2 this lawsuit, some players may have a gambling 3 addiction, correct? 4 A. Correct. 5 Q. Some players may not have a gambling -- do 6 not have a gambling addiction, correct? 7 A. I can agree with that, yes. 8 Q. Some players play for the reason you wanted 9 to, to try to win money, correct? 10 A. And it's -- it's not just that. It's -- 11 Q. People play for a variety -- 12 A. It's a blur. I don't know. If I -- 13 Q. Mr. Cordaro, people play for a variety of 14 different reasons -- 15 A. Yes. 16 Q. -- when they use Torch devices, correct? 17 A. Correct. Yes. 18 Q. And you're not claiming to be representative 19 of every single person who played a Torch device 20 during this time period? 21 A. Oh, no, I can't because that's just 22 impossible. 23 Q. It would literally be impossible, correct? 24 A. Correct. But I represent a heck of a lot of 25 'em, I bet. Because there's a lot of people that</p> <p style="text-align: right;">36</p>
<p>1 Q. And you would agree with me that every time 2 you've interacted with what you contend was a Torch 3 device, you could stop at any point? In other words, 4 you could pull the money out? 5 A. Well, if I was a normal person and wasn't a 6 addicted, degenerative gambler, maybe I could, but -- 7 or someone else could. But that isn't me, so I don't 8 know. 9 Q. Okay. So let me understand this for a 10 second because you're drawing a distinction, if I 11 understand your testimony correctly, between somebody 12 who has a gambling addiction and somebody who doesn't; 13 is that correct? 14 A. Say that again. I don't -- 15 Q. If I understand your testimony correctly, 16 are you distinguishing between some players of Torch 17 devices who have gambling addictions and some players 18 who don't have gambling addictions? 19 A. Well, I don't get what -- there's definitely 20 people that have gambling addictions there. And maybe 21 they don't even know it yet. And maybe they haven't 22 been diagnosed. 23 Q. Let me ask it a different way. 24 A. I don't -- 25 Q. Would you agree with me that of the universe</p> <p style="text-align: right;">35</p>	<p>1 don't want to admit they're addicted gamblers. 2 Q. So I asked you what you wanted out of this 3 lawsuit, and you told me that you want Torch devices 4 gone, correct? 5 A. That's truthfully what I want, yes. 6 Q. Would you agree with me that there are 7 people that play Torch devices that don't want that? 8 A. Well, of course, I'm sure there are. But 9 like, the owners getting that 50 percent, I'm sure 10 they don't want them gone. 11 Q. There are players that want to keep playing 12 them, correct? 13 A. Yeah. But they should have to go to the 14 casino -- 15 Q. Listen to my question. 16 A. -- like everyone else that's -- that's 17 sanctified and vetted and, you know, legal. 18 Q. Mr. Cordaro. 19 A. -- with the Missouri Gaming Commission. 20 Q. Mr. Cordaro, I understand you have a lot of 21 opinions and a lot you want to say. 22 A. Well, you asked me the question, and I -- 23 Q. No. Listen to me. 24 ATTORNEY MILLER: Hey, just answer. Listen 25 to the next question.</p> <p style="text-align: right;">37</p>

<p>1 THE WITNESS: I am.</p> <p>2 ATTORNEY GELFAND: Please just answer my</p> <p>3 question.</p> <p>4 THE WITNESS: He's not getting to the</p> <p>5 question.</p> <p>6 ATTORNEY GELFAND: Mr. Cordaro.</p> <p>7 THE WITNESS: He's meandering. Let's go.</p> <p>8 Chop chop.</p> <p>9 ATTORNEY GELFAND: Mr. Cordaro, please just</p> <p>10 answer my question.</p> <p>11 ATTORNEY MILLER: Just listen to the next</p> <p>12 question. Answer his question.</p> <p>13 THE WITNESS: I am but he's not asking me</p> <p>14 the question that I can question. Because he's just</p> <p>15 giving me too much gray space. But go ahead and</p> <p>16 answer your -- ask your question.</p> <p>17 Q (By Attorney Gelfand) Mr. Cordaro, would you</p> <p>18 agree with me that there are people who use Torch</p> <p>19 devices that want there to be more Torch devices out</p> <p>20 there?</p> <p>21 A. Well, I'm sure there could be one person out</p> <p>22 of a gazillion. I -- you know, I can't say there</p> <p>23 isn't, so I will agree with you on that point.</p> <p>24 Q. Would you agree with me that there are</p> <p>25 people who use Torch devices that want no Torch</p> <p>38</p>	<p>1 whatever. How much they paid in taxes. How much they</p> <p>2 paid in turnstile, admission fees. You have none of</p> <p>3 that. So, you know. There's nothing that I could</p> <p>4 look up on your Torch machine.</p> <p>5 Q. I'm showing you exhibit -- well, before we</p> <p>6 get there.</p> <p>7 Are you claiming that Torch devices pay out</p> <p>8 less than slot machines in regulated riverboat</p> <p>9 casinos?</p> <p>10 A. I'm not claiming anything. I'm just stating</p> <p>11 that when I play them, they just didn't have a very</p> <p>12 good payout.</p> <p>13 Now, I have no idea what their payout is</p> <p>14 because I could not find it anywhere. It's not in the</p> <p>15 establishment. It's not on the machine. It's not</p> <p>16 posted like, look on our website, and we'll post what</p> <p>17 the Missouri law states that you have to put for</p> <p>18 machines.</p> <p>19 Q. Mr. Cordaro.</p> <p>20 A. Yes.</p> <p>21 Q. Just to be very clear, would you agree with</p> <p>22 me that you have no idea whether Torch devices pay out</p> <p>23 more, the same, or less than casino --</p> <p>24 A. I agree --</p> <p>25 Q. If I can finish my sentence.</p> <p>40</p>
<p>1 devices out there?</p> <p>2 A. That want no Torch? Sure.</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree with me that there are</p> <p>6 people that use Torch devices that want the same</p> <p>7 amount of Torch devices that there currently are out</p> <p>8 there?</p> <p>9 A. Sure. Sure. Those --</p> <p>10 Q. People want -- people who use Torch devices</p> <p>11 want different things moving forward, correct?</p> <p>12 A. Like the rest of the world, you know. But I</p> <p>13 agree, yeah. There's definitely different opinions of</p> <p>14 the -- of the, you know, the pathway for Torch.</p> <p>15 Q. Why is it that you have concluded that Torch</p> <p>16 devices are illegal?</p> <p>17 A. Cause I don't feel that they are sanctioned</p> <p>18 by the state of Missouri, by Missouri law. I don't</p> <p>19 feel it's legal to not have posted what type of</p> <p>20 percentage the machines pay out. I don't think it's</p> <p>21 legal for them not to be able to list like the other</p> <p>22 gaming companies do how much you got, you know. They</p> <p>23 have to put that in the paper somewhere. They have</p> <p>24 to -- you know, how much was brought in, how much was</p> <p>25 donated to the, you know, education foundation,</p> <p>39</p>	<p>1 A. -- I have no idea.</p> <p>2 Q. -- than slot machines in regulated Missouri</p> <p>3 riverboat casinos?</p> <p>4 A. I agree. I have no idea what their pay out</p> <p>5 is. I just know --</p> <p>6 Q. And similarly, you are not claiming, are</p> <p>7 you, that any Torch device you have ever played has</p> <p>8 been rigged, correct?</p> <p>9 A. No, I've never claimed that.</p> <p>10 Q. Now, do you recognize Exhibit 1?</p> <p>11 (Exhibit 1 was identified.)</p> <p>12 A. Yes, I do.</p> <p>13 Q (By Attorney Gelfand) When's the first time</p> <p>14 you read that lawsuit?</p> <p>15 A. When I got it from -- in the mail from my</p> <p>16 lawyer.</p> <p>17 Q. Did you review it -- when was that?</p> <p>18 A. Oh, gosh.</p> <p>19 THE WITNESS: When was that? A month ago.</p> <p>20 ATTORNEY MILLER: I can't answer for you.</p> <p>21 I'm sorry, Jeff.</p> <p>22 A. A month ago or so.</p> <p>23 Q (By Attorney Gelfand) Was it already filed</p> <p>24 when you got it?</p> <p>25 A. Yes, it had been filed.</p> <p>41</p>



<p>1 they've won or lost, how long they've played, whether 2 they relied on anything to play. 3 We'd have to look at those individually, 4 correct? 5 A. I don't know what you're getting at to do 6 it -- 7 Q. It's a yes or no question. 8 A. -- but if you're -- you know, if you're 9 analyzing the history of individual gamblers, then, 10 yeah, sure. I mean -- 11 Q. But the answer is "yes" to that question, 12 correct? 13 A. I don't even know what the question was now. 14 Q. Please listen to my question then. 15 A. Well, then answer it -- ask it in a question 16 that I can answer. 17 Q. Mr. Cordaro, to determine why people are 18 playing Torch devices, we would have to look at them 19 all individually, correct? 20 A. Correct. 21 Q. To determine whether the people that play 22 Torch devices have an addiction, we'd have to look at 23 them individually, correct? 24 A. Correct. 25 Q. To determine whether a particular Torch</p> <p style="text-align: right;">54</p>	<p>1 actual typical gambler. There is no such thing as an 2 actual typical gambler, you know. The typical gambler 3 puts their money in and hopes he wins the jackpot on 4 the first hit, and every hit after it. I don't -- I'm 5 not any different than anyone else that sits down at 6 the machine because it takes my money. 7 Q. I'm showing you what I've marked as 8 Exhibit 5. 9 (Exhibit 5 was identified.) 10 THE WITNESS: Do we need this still? 11 ATTORNEY MILLER: No. 12 ATTORNEY GELFAND: You can hand that back to 13 me. 14 Q (By Attorney Gelfand) Do you see Exhibit 5 in 15 front of you? 16 A. I see that. 17 Q. This is a pleading entitled "Plaintiffs' 18 Opposition to Partial Motion to Dismiss" that was 19 filed by your attorneys. 20 A. Okay. 21 Q. Do you see that? 22 A. Yes, I do. 23 Q. In this pleading, your lawyers wrote, quote: 24 Except as permitted in a constitutionally authorized 25 casino, gambling is a criminal offense.</p> <p style="text-align: right;">56</p>
<p>1 player won or lost from using Torch devices, we'd have 2 to look at their situation individually, correct? 3 A. Yeah, their won/loss total, sure. 4 Q. "Yes?" 5 A. Yes. You'd have to look at each individual 6 individually. 7 Q. To determine how frequently someone plays, 8 you'd have to look at it individually, correct? 9 A. Well, on your machines there's no way to 10 calculate it cause they don't issue you a card or 11 whatever, you know. 12 Q. We'd have to ask them, correct? 13 A. You'd have to ask them, yes. 14 Q. In other words, you'd have to look at it 15 individually, correct? 16 A. Correct. 17 Q. And that's the only way to get to the 18 answers to those questions, correct? 19 A. Uh. No. I don't -- I mean, I'm sure I 20 could, you know... 21 Q. Come up with another way? 22 A. Yeah, I'm sure I could come up with another 23 way. 24 Q. What's the other way? 25 A. Because you're trying to pinpoint what is an</p> <p style="text-align: right;">55</p>	<p>1 And then they cited, quote, a person -- 2 A. Who says it? You're taking it -- I want to 3 see the whole context. 4 Q. Let me read it first. Did I read that 5 sentence correctly? 6 A. Yeah, but you're taking it out of -- 7 Q. I'm not taking anything out of context. 8 But did I read that correctly? 9 A. Except as permitted in a constitutionally 10 authorized casino gambling is a criminal offense. 11 Q. Did I read that correctly? 12 A. Yes, you did. 13 Q. Okay. Then the next sentence says, quote: 14 A person commits the offense of gambling if he or she 15 knowingly engages in gambling, end quote. 16 And it cites Section 572.020 of the Revised 17 Statutes of the state of Missouri. 18 A. I see that. 19 Q. And it says, yes, consumers were gambling. 20 Do you see that? 21 A. I see that. I don't know where that is, and 22 I don't know what the -- 23 Q. Do you agree -- 24 A. -- attorney says. 25 Q. -- that you committed a criminal offense?</p> <p style="text-align: right;">57</p>

<p>1 A. If -- if those machines that you put in 2 there are illegal, then I committed a criminal 3 offense. I didn't think I was committing a criminal 4 offense. I thought those machines were on the 5 up-and-up and were sanctioned. 6 Q. Let me be clear. I'm not telling you that 7 you committed a criminal offense. 8 A. I know. But you asked me. 9 Q. I'm just asking -- 10 A. I told you my answer. 11 Q. -- is that your position in this lawsuit. 12 A. I told you my answer. 13 Q. Would you agree with me that some members of 14 your proposed class of users of these devices may 15 choose to take the Fifth instead of answering that 16 question? 17 A. I have no idea about that. 18 Q. Mr. Cordaro, over the course of the last 19 several years you've testified you've used a number of 20 Torch devices at a number of places outside of St. 21 Louis City and St. Louis County, correct? 22 A. Outside of them, yes. 23 Q. Okay. When's the last time you used a Torch 24 device? 25 A. I hate to say it was after I was involved</p> <p>58</p>	<p>1 that. You got to have that pull. 2 ATTORNEY GELFAND: Thank you. Mr. Cordaro, 3 I don't have any further questions for you at this 4 time. I think some of the other lawyers may have 5 questions. 6 ATTORNEY MILLER: Now might be a good time 7 for a break. Take five. 8 THE WITNESS: Are you done forever? 9 ATTORNEY GELFAND: No, I'm not done forever. 10 ATTORNEY MILLER: He might have some at the 11 end. There's another attorney -- 12 THE WITNESS: I got to get him in here. 13 He's gotta go play softball or something. It's only 14 3:03. 15 ATTORNEY GELFAND: We can go off the record, 16 if we haven't already. 17 VIDEOGRAPHER: All right. The time now is 18 3:03 p.m. We're going to go off the record. 19 (Recess.) 20 VIDEOGRAPHER: The time is now 3:15 p.m. 21 Central. We are back on the record. 22 [CROSS-EXAMINATION] 23 QUESTIONS BY ATTORNEY CARR: 24 Q. Mr. Cordaro, hi. I'm Chandler Carr. I'm an 25 attorney representing three of the Defendants: Torch</p> <p>60</p>
<p>1 with this. 2 Q. When's the last time you used a Torch 3 device? 4 A. I'm trying to think. It had to be a month 5 ago, three, four. 6 Q. So to be clear, you filed this lawsuit, and 7 then after you filed this lawsuit claiming to be 8 damaged by Torch devices you played Torch devices? 9 A. Addiction. 10 Q. Is that true? 11 A. It's a real MF, and I have it. And I went 12 into the store. 13 Q. Where? 14 A. It was at -- the x station on -- hold on. 15 I'm not sure I went in there. But they wouldn't take 16 my card out at the pump, so I wandered in there. And 17 I went to use the restroom, and then I heard some girl 18 kind of scream a little bit because she won some 19 money. So, I went to go check it out. Next thing I 20 know, I'm digging in my wallet to play. 21 Q. To be clear, the girl you heard scream won 22 money playing a Torch device? 23 A. Yeah. Yeah, people win some money in there. 24 You think everybody going in there would lose all the 25 time? Nobody'd go back. You know, you got to have</p> <p>59</p>	<p>1 Electronic, Steven Miltenberger, and Warrenton Oil 2 Company. 3 I have a few follow-up questions for you. 4 And first, I -- you know, I just -- so, in 5 your filings, and I'm talking specifically about in 6 the Complaint, and then in this Affidavit that you 7 submitted. I -- you talk about specific instances of 8 playing the devices, and you have dollar amounts. 9 And it just kind of stuck out to me, you 10 know, compared to the testimony you just gave us about 11 your income and what you -- apparently, on 12 February 3rd -- I'm wondering if you can tell us about 13 what happened on these instances where you spent -- I 14 mean, February 3rd, specifically. 15 Can you walk me through that day where you 16 spent \$450 playing a Torch device? 17 A. Yeah. I can. I dropped somebody off, and I 18 went to go get gas at the FastLane. And I just got 19 paid that day. So, unfortunately, I sat down at the 20 machine and put in probably 50 bucks. Didn't win 21 anything. And the bad thing is there's an ATM 22 probably within, you know, five steps of there. So, I 23 went and pulled out another three, 400 bucks. I don't 24 know how much I had in my wallet. But I know I lost 25 450 bucks cause my account was down to zero.</p> <p>61</p>



<p>1 nature.</p> <p>2 So, what -- what, to you, kind of makes what</p> <p>3 you've described as a slot machine, a slot machine?</p> <p>4 A. Well, something that, you know, you're gonna</p> <p>5 put in and they -- they give you a chance to win</p> <p>6 direct cash back.</p> <p>7 Amusement games, you're gonna win a stuffed</p> <p>8 Barney or, you know, some extra tickets, you know.</p> <p>9 This game, you put money in, you have a</p> <p>10 chance to win direct money.</p> <p>11 Q. Does it matter to you whether you know that</p> <p>12 you're going to win or lose?</p> <p>13 A. Well, you don't know my luck. I know I'm</p> <p>14 gonna lose before I even get there. I could drive</p> <p>15 down the road and throw the money out the window and</p> <p>16 have the same luck.</p> <p>17 But, I go back. Like that song by Steely</p> <p>18 Dan, "Go do it again, Jack, go back." That's the part</p> <p>19 of an addiction.</p> <p>20 Q. So, have you ever used the prize viewer</p> <p>21 feature of a Torch machine?</p> <p>22 A. I did after I realized they were there.</p> <p>23 Q. Okay. When was that?</p> <p>24 A. Oh, about the fourth -- third -- it was the</p> <p>25 fourth time that I went in to play them. I saw it,</p> <p style="text-align: right;">70</p>	<p>1 prize view because you're changing your bet and want</p> <p>2 to see what was left on, you know, 50-cent or a dollar</p> <p>3 bet, you know.</p> <p>4 You don't see that many people use the prize</p> <p>5 viewer. You got people that don't have any money,</p> <p>6 they're prize-viewing every one of 'em games and on</p> <p>7 there looking to see if somebody left the money on</p> <p>8 there.</p> <p>9 Q. So, you've seen some people using it with</p> <p>10 some frequency?</p> <p>11 A. I don't know what you mean by "frequency,"</p> <p>12 you know. Once out of every 50 hits, is that</p> <p>13 frequent? You know.</p> <p>14 Q. Well, I just mean in terms of people --</p> <p>15 A. It's all relevant to the -- to the game and</p> <p>16 each individual. To me it is.</p> <p>17 Q. Sure. So some individuals use it and some</p> <p>18 individuals don't.</p> <p>19 A. Correct.</p> <p>20 Q. But there --</p> <p>21 A. There's no instructions on the machine.</p> <p>22 There's nobody that tells you to use it. They don't</p> <p>23 really need it. There's nothing that -- that explains</p> <p>24 what it's for. It's just by luckin' out like I did.</p> <p>25 Or, you know, somebody that knows the machines that</p> <p style="text-align: right;">72</p>
<p>1 and I thought it was the -- previewed of the rules.</p> <p>2 You know what I mean? They got in there, and then</p> <p>3 they tell you what, you know, combination wins, and</p> <p>4 blah-blah-blah for each individual game.</p> <p>5 That's what I thought that was a preview of</p> <p>6 something. I never hit it till four times in there a</p> <p>7 guy and girl were playing and that, and they lost</p> <p>8 their money. She said: Oh! Wait a minute. Preview</p> <p>9 it! Preview it! You know, so I was sitting there,</p> <p>10 and I kind of watched what he did. And, you know, it</p> <p>11 came up and said, oh, I need a dollar to win 50 cents.</p> <p>12 Because it came up he was gonna win 50 cents on a</p> <p>13 50-cent bet. But you can only -- the least you can</p> <p>14 put in there is a dollar.</p> <p>15 So, that's when I learned it had a preview.</p> <p>16 I wish I would have known the first three times. I</p> <p>17 might have been leaving some money on the -- on the</p> <p>18 game.</p> <p>19 Q. So, have you used the prize viewer feature</p> <p>20 then?</p> <p>21 A. Yes, I used it after that.</p> <p>22 Q. Do you use it --</p> <p>23 A. But no, you don't -- nobody uses that prize</p> <p>24 viewer on every hit. You'll watch 'em. It's just</p> <p>25 like a regular casino. You know, if you maybe want to</p> <p style="text-align: right;">71</p>	<p>1 brings you in there for the first time and explains</p> <p>2 it.</p> <p>3 But there's no Torch Electronic instructions</p> <p>4 being, you know, fed out there to tell you how to play</p> <p>5 the game.</p> <p>6 Q. From your experience, has that feature been</p> <p>7 available on all of the Torch devices?</p> <p>8 A. I guess. I mean, I haven't played all the</p> <p>9 Torch devices.</p> <p>10 Q. Sure. So, in terms of where you've played,</p> <p>11 you've listed a few specific device -- or locations in</p> <p>12 St. Charles County. You also mentioned earlier that</p> <p>13 you played in a few other counties.</p> <p>14 Do you -- do you know how many locations</p> <p>15 you've played?</p> <p>16 A. In total? My whole time I've ever gambled</p> <p>17 in this situation? No, I don't. I have no idea how</p> <p>18 many.</p> <p>19 Q. Okay. And you listed these specific</p> <p>20 locations because those are the ones that you could</p> <p>21 recall?</p> <p>22 A. Correct.</p> <p>23 Q. Do you remember when you played?</p> <p>24 A. It states it on there.</p> <p>25 Q. Okay. There is -- I mean -- you say on many</p> <p style="text-align: right;">73</p>